

FILE COPY

January 8, 1980

Kenneth Millard, Esquire
Vice President, General Counsel
Wham-O Manufacturing Co.
835 East El Monte Street
San Gabriel, CA 91778

Re: CPSC ID 80-16

Dear Mr. Millard:

We have reviewed your proposed corrective action plan submitted in your letter of December 17, 1979. We offer the following comments to your proposed plan.

1. Since your letter to customers requests that they advise Wham-O of the number of Fun Fountains in their inventory for purposes of supplying retrofit kits to modify such inventory, we suggest that postage-paid, pre-addressed postcards accompany such letters to assist customers in responding to you.

2. With respect to your proposed point of purchase poster, we suggest the entire poster contain the heading "IMPORTANT SAFETY NOTICE" in large letters. Additionally we suggest that the first paragraph be changed to read:

"A potential hazard may exist with regard to the Fun Fountain toys pictured below (Fig. 1 & 2), which were manufactured prior to January 1980. In areas of high water pressure, the stream of water emitted from the product may cause injury to sensitive parts of the human body such as the eye."

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Kenneth Millard, Esquire
Wham-O Manufacturing Co.

The remainder of the poster appears satisfactory. We suggest, however, that the poster be approximately 22" by 28" in size and printed on heavy paper or poster board.

3. We suggest that the mailings of information to your customers contain the following statement or similar statement on the envelope or mailing packet: "Important Safety Information Enclosed."

4. As stated in our previous letter, the Commission will be monitoring the effectiveness of your corrective action plan at the various distribution levels. Our area office personnel will be in contact with you and will request that the number of units corrected at each level of distribution be reported. Therefore, we believe it necessary that your proposed corrective action plan contain a mechanism for tracking the progress of the number of units corrected. As your plan is presently proposed, please inform us how Wham-O intends to accurately track the number of units corrected at each level of distribution, including consumers. Or please inform us of modifications to your proposed plan such that accurate tracking of progress can be insured.

5. We would appreciate receiving a sample retrofit kit typical of what is being sent to customers and consumers.

Our Office of Media Relations is presently drafting up a proposed press release which we will forward to you shortly.

We would appreciate your response to the above comments within 7 days from receipt of this letter. Please feel free to contact Ms. Shimasaki if you wish to discuss these matters further.

Sincerely yours,

Frank B. Pipkin, Chief
Hazard Correction Branch
Product Defect Correction Division

By: Sandra C. Shimasaki
Hazard Correction Branch

LOS-A0

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FILE COPY

December 10, 1979

Mr. Ken Millard
Vice President, General Counsel
Wham-O Manufacturing Co.
835 East El Monte Street
San Gabriel, California 91778

Re: CPSC ID 80-16

Dear Mr. Millard:

This letter confirms your telephone conversation with Ms. Sandra Shimasaki on December 6, 1979. The Commission staff has completed its review of your proposed flow control device (3.5 gallon per minute) for the Fun Fountain toy. The staff finds your proposed flow control device for future production and for retrofitting units in the distribution network and consumer hands to be satisfactory in reducing the risk of injury associated with the subject toy.

As you mentioned to Ms. Shimasaki, Wham-O will submit copies of its proposed notices next week. We look forward to continuing to work together to resolve this matter in the interest of consumer safety.

Sincerely,

Frank B. Pipkin, Chief
Hazard Correction Branch
Product Defect Correction Division

By:

Sandra C. Shimasaki
Hazard Correction Branch

cc: LOS ANG AO
CEPD
C&E

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Memo of Telecon Ken Millard/Shimasaki

December 14, 1979

Ken Millard called to say that some of its customers were cancelling orders for next year based on the info about Fun Fountain which was made public.

He wanted to inform me that Wham-O had prepared a letter to sales reps which would be mailed shortly which asked reps to contact key account to tell them:

The preliminary determination by the CPSC staff but that Wham-O does not agree with it

That Wham-O has modified the product and tested out satisfactory by the Commission.

That Co. was planning to implement a CAP

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Tileen Ken Millard / Shumaker

12-6-79

Called Millard. Told him staff
has found 3.5 GPM washer
to be satisfactory in reducing
risk of injury

He thanked me for the
priority given to this matter
and said he was meeting
w/ other Wham-O people
tomorrow re: CAP proposed.

He could have proposed
notice to me next week.

We discussed timing of plan
& would let me know Wham-O
position -- soon or April

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Summary of CAP

- 1) Notice to Customers
Notice

1) All future production Flow Control Valves
Safety Check List on Box
Don't

2) All Inventory Modified by inserting
blue modif
Safety Check List on Box

3) Bulletin & Enclosures
Sales Reps & Salesmen

4) Notice to Customers

Consumer Notice
Rotasol. who

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Wholesalers provide copies
of notice to their customers

7) Flow control valves to
customers & consumers

8) Press Release

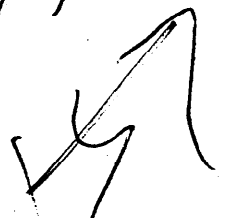
Will supply ^{direct} retailers a partial
supply of 10% of what
they purchased over last 3 years
w/ minimum #

Send Wholesalers sheet inventory
to modify

1st part of next week
Copies

Retrofit device ready

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Nov 27, 1979

- 1) Gillespie VP Product
- 2) Millard
- 3) Kerkenbush

FP
TR
SS
Neil Zyllich
Tom Cooper
Ed P.

owners of pressure would strike
impact gauge

Modified $3\frac{1}{2}$ gal/min
force of impact

8" from nozzle 13-14 ounces

120 psi original 7 gal/min

44 ounces/min

8" from
nozzle

Quite frankly they think
they have the solution
Don't think a problem before

To say its not good enough

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Washers range in $\frac{1}{2}$ gallon increments

3 $\frac{1}{2}$ was most reliable

3 would not lift hat off clown
some cases

100 washers 25% did not lift
off

Range 30 - 120 psi

They don't think product operating
at 6-8 feet is reasonable

10-12 feet height to take care
of varying tolerances -- as
tolerance change when you
produce more diameter gets smaller
changes; lower height

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Meeting - Wham-O

Nov 27, 1979

Ran & observed tests on Fun Fountain toys.
Discussed retrofit design.

Esch & Pascarella wanted to know if
flow rate could be restricted further
because they are not happy w/ present
retrofit

Is it possible to restrict flow rate
further & still have product functional.

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Millard / Shumaker

11-20

Millard called re. status

Told him Rossi & Esch out. Could not
do testing

We discussed case opening letter &
staff procedures Re: opening ID files

11-21

Called Millard to tell him
Rossi still out but Esch will
be in Monday & we should be able
to do it then.

Told him I'd call him Monday

✓

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